

Report Title:

Salary Commission; Constitutional Amendment

Description:

Proposes a constitutional amendment to establish a salary commission to review and make recommendations for the salaries of justices, judges, state legislators, the governor, the lieutenant governor, administrative director, and state department heads or executive officers of the executive departments, and the deputies or assistants to the department heads, excluding the University of Hawaii and the Department of Education. (HB1917 CD1)



A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE
ESTABLISHMENT OF A SALARY COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to the Constitution of the State of Hawaii to establish a salary commission responsible for reviewing and recommending changes to salaries for justices and judges, members of the state legislature, the governor and lieutenant governor, the administrative director of the State, department heads or executive officers of the executive departments, and the deputies or assistants to department heads of the executive departments, excluding the University of Hawaii and the department of education.

SECTION 2. Article XVI of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"SALARY COMMISSION"

Section . There shall be a commission on salaries as provided by law, which shall review and recommend salaries for the justices and judges of all state courts, members of the



1 legislature, department heads or executive officers of the
2 executive departments and the deputies or assistants to
3 department heads of the executive departments as provided by
4 law, excluding the University of Hawaii and the department of
5 education. The commission shall also review and make
6 recommendations for the salary of the administrative director of
7 the State or equivalent position and the salary of the governor
8 and the lieutenant governor.

9 Any salary established pursuant to this section shall not
10 be decreased during a term of office, unless by general law
11 applying to all salaried officers of the State.

12 Not later than the fortieth legislative day of the 2007
13 regular legislative session and every six years thereafter, the
14 commission shall submit to the legislature its recommendations
15 and then dissolve.

16 The recommended salaries submitted shall become effective
17 as provided in the recommendation, unless the legislature
18 disapproves the entire recommendation as a whole by adoption of
19 a concurrent resolution prior to adjournment sine die of the
20 legislative session in which the recommendation is submitted;
21 provided that any change in salary which becomes effective shall



1 not apply to the legislature to which the recommendation for the
2 change in salary was submitted."

3 SECTION 3. Article III, section 9, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "~~SALARY, ALLOWANCES, COMMISSION ON~~
6 ~~LEGISLATIVE SALARY]~~ LEGISLATIVE ALLOWANCE

7 Section 9. The members of the legislature shall receive
8 allowances reasonably related to expenses as provided by law[
9 and a salary prescribed by the commission on legislative
10 salaries pursuant to this section which shall be payable in
11 installments and at such times as provided by law.

12 ~~There shall be a commission on legislative salary, which~~
13 ~~shall be appointed by the governor on or before November 30,~~
14 ~~1978, and every eight years thereafter. Not later than the~~
15 ~~fortieth legislative day of the 1979 regular legislative session~~
16 ~~and every eight years thereafter, the commission shall submit to~~
17 ~~the legislature and the governor recommendations for a salary~~
18 ~~for members of the legislature, and then dissolve. The~~
19 ~~recommended salary submitted shall become effective as provided~~
20 ~~in the recommendation unless the legislature disapproves the~~
21 ~~recommendation by adoption of a concurrent resolution prior to~~
22 ~~adjournment sine die of the legislative session in which the~~



~~1 recommendation is submitted or the governor disapproves the~~
~~2 recommendation by a message of disapproval transmitted to the~~
~~3 legislature prior to such adjournment. Any change in salary~~
~~4 which becomes effective shall not apply to the legislature to~~
~~5 which the recommendation for the change in salary was~~
~~6 submitted]."~~

7 SECTION 4. Article VI, section 3, of the Constitution of
8 the State of Hawaii is amended to read as follows:

9 **"APPOINTMENT OF JUSTICES AND JUDGES**

10 **Section 3.** The governor, with the consent of the senate,
11 shall fill a vacancy in the office of the chief justice, supreme
12 court, intermediate appellate court and circuit courts, by
13 appointing a person from a list of not less than four, and not
14 more than six, nominees for the vacancy, presented to the
15 governor by the judicial selection commission.

16 If the governor fails to make any appointment within thirty
17 days of presentation, or within ten days of the senate's
18 rejection of any previous appointment, the appointment shall be
19 made by the judicial selection commission from the list with the
20 consent of the senate. If the senate fails to reject any
21 appointment within thirty days thereof, it shall be deemed to
22 have given its consent to such appointment. If the senate shall



1 reject any appointment, the governor shall make another
2 appointment from the list within ten days thereof. The same
3 appointment and consent procedure shall be followed until a
4 valid appointment has been made, or failing this, the commission
5 shall make the appointment from the list, without senate
6 consent.

7 The chief justice, with the consent of the senate, shall
8 fill a vacancy in the district courts by appointing a person
9 from a list of not less than six nominees for the vacancy
10 presented by the judicial selection commission. If the chief
11 justice fails to make the appointment within thirty days of
12 presentation, or within ten days of the senate's rejection of
13 any previous appointment, the appointment shall be made by the
14 judicial selection commission from the list with the consent of
15 the senate. The senate [~~must~~] shall hold a public hearing and
16 vote on each appointment within thirty days of any appointment.
17 If the senate fails to do so, the nomination shall be returned
18 to the commission and the commission shall make the appointment
19 from the list without senate consent. The chief justice shall
20 appoint per diem district court judges as provided by law.



QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

TENURE; ~~[COMPENSATION,]~~ RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection



1 commission determines that the justice or judge should be
2 retained in office, the commission shall renew the term of
3 office of [~~such~~] the justice or judge for the period provided by
4 this section or by law.

5 ~~[There shall be a salary commission to review and recommend~~
6 ~~salaries for justices and judges of all state courts. Justices~~
7 ~~and judges shall have salaries as provided by law. Their~~
8 ~~compensation shall not be decreased during their respective~~
9 ~~terms of office, unless by general law applying to all salaried~~
10 ~~officers of the State. They]~~ Justices and judges shall be
11 retired upon attaining the age of seventy years. They shall be
12 included in any retirement law of the State."

13 SECTION 5. Article V, section 3, of the Constitution of
14 the State of Hawaii is repealed.

15 ["~~COMPENSATION: GOVERNOR, LIEUTENANT GOVERNOR~~

16 ~~Section 3. The compensation of the governor and of the~~
17 ~~lieutenant governor shall be as provided by law, but shall not~~
18 ~~be less than thirty three thousand five hundred dollars, and~~
19 ~~twenty seven thousand five hundred dollars, respectively, a~~
20 ~~year. Such compensation shall not be increased or decreased for~~
21 ~~their respective terms, unless by general law applying to all~~
22 ~~salaried officers of the State. When the lieutenant governor~~



1 ~~succeeds to the office of the governor, the lieutenant governor~~
2 ~~shall receive the compensation for that office."]~~

3 SECTION 6. Article XVIII, section 3, of the Constitution
4 of the State of Hawaii is repealed.

5 [~~"SALARIES OF LEGISLATORS~~

6 ~~Section 3. Until otherwise provided by law in accordance~~
7 ~~with Section 9 of Article III, the salary of each member of the~~
8 ~~legislature shall be twelve thousand dollars a year."]~~

9 SECTION 7. The question to be printed on the ballot shall
10 be as follows:

11 "Shall the Constitution be amended to provide for a salary
12 commission to review and recommend salaries for justices,
13 judges, state legislators, the governor, the lieutenant
14 governor, the administrative director of the State, state
15 department heads or executive officers of the executive
16 departments, and the deputies or assistants to department
17 heads of the executive departments, excluding the
18 superintendent of education and the president of the
19 University of Hawaii?"

20 SECTION 8. Constitutional material to be repealed is
21 bracketed and stricken. New constitutional material is
22 underscored.



1 SECTION 9. This Act shall take effect upon compliance with
2 article XVII, section 3, of the Constitution of the State of
3 Hawaii.